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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

1 JAMES TODD, an Individual; and
2 RAPHAELA TODD, an Individual,

3 Plaintiffs,

4 v.

5 UNITED STATES LIABILITY
6 INSURANCE COMPANY, a Nebraska
7 Company; BRECKENRIDGE INSURANCE
8 SERVICES LLC, a California Limited
9 Liability Company; DORN, INC. dba
10 DORN INSURANCE SERVICES, a Nevada
11 Corporation; DENNIS DEAN DORN aka D.
12 DEAN DORN aka DEAN DORN, an
13 Individual; DOES I through X; and ROE
14 CORPORATION I through X, inclusive,

15 Defendants.

16 Case No.: 2:22-cv-02145-JAD-DJA

17 **STIPULATION AND ORDER TO
18 EXTEND DEADLINES AND
19 STAY DISCOVERY**

20 **(FIRST REQUEST)**

21 ECF Nos. 16, 19, 20, 22

22 Plaintiffs, JAMES TODD and RAPHAELA TODD, by and through their
23 attorneys of record, CLAGGETT & SYKES LAW FIRM; Defendant, UNITED

1 STATES LIABILITY INSURANCE COMPANY, by and through its attorneys of
2 record, WEINBERG, WHEELER, HEDGINS, GUNN & DIAL, LLC; Defendant,
3 BRECKENRIDGE INSURANCE SERVICES LLC, by and through its attorneys
4 of record, WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP; and
5 Defendants, DORN, INC. DBA DORN INSURANCE SERVICES AND DENNIS
6 DEAN DORN AKA D. DEAN DORN AKA DEAN DORN, by and through their
7 attorneys of record, LEWIS BRISBOIS BISGAARD & SMITH, LLP, hereby
8 stipulate and agree that the deadline for Plaintiffs to submit their oppositions to
9 Defendants' Motions to Dismiss Plaintiffs' Amended Complaint (ECF No. 19 &
10 ECF No. 20) and Defendant Breckenridge's Joinder (ECF No. 21), which were
11 all filed on January 31, 2023, shall be extended from February 14, 2023, to
12 **February 28, 2023**, with all replies to said motions due **March 21, 2023**.

13 Additionally, the parties hereby stipulate and agree that the deadline for
14 Defendants to submit their oppositions to Plaintiffs' Motion to Remand (ECF
15 No. 16), which was filed on January 26, 2023, shall be extended from February
16 9, 2023, to **February 28, 2023**, with all replies to said motion due **March 21,**
17 **2023.**

18 The parties request these brief extensions to accommodate counsels'
19 schedules and to allow the parties time to prepare and submit all outstanding
20 briefing.

21 Finally, the parties hereby stipulate and agree to stay discovery pending
22 resolution of Plaintiffs' Motion to Remand (ECF No. 16), Defendants' Motions to
23 Dismiss Plaintiffs' Amended Complaint (ECF No. 19 & ECF No. 20), and

1 Defendant Breckenridge's Joinder (ECF No. 21). Courts have broad
2 discretionary power to control discovery. *See Wilmington Sav. Fund Soc'y FSB*
3 *v. El*, 2019 WL 6310718, at *1 (D. Nev. Nov. 25, 2019) (citing *Little v. City of*
4 *Seattle*, 863 F.2d 681, 685 (9th Cir. 1988)). “In deciding whether to grant a stay
5 of discovery, the Court is guided by the objectives of Rule 1 to ensure a just,
6 speedy, and inexpensive determination of every action.” *Id.* Preliminary issues
7 such as jurisdiction, venue, or immunity are common situations that may justify
8 a stay. *Id.* (citing *Twin City Fire Ins. v. Employers Ins. of Wausau*, 124 F.R.D.
9 652, 653 (D. Nev. 1989); *see also Kabo Tools Co. v. Porauto Indus. Col.*, 2013 WL
10 5947138, at *1 (D. Nev. Oct. 13, 2013) (granting stay based on alleged lack of
11 personal jurisdiction); *Ministerio Roca Solida v. U.S. Dep't of Fish & Wildlife*,
12 288 F.R.D. 500, 506 (D. Nev. 2013) (granting stay based in part on alleged lack
13 of subject matter jurisdiction). This Court applies a three-part test to determine
14 whether a stay is appropriate pending resolution of a dispositive motion: (1) the
15 pending motion is potentially dispositive; (2) the potentially dispositive motion
16 can be decided without additional discovery; and (3) the Court has taken a
17 “preliminary peek” at the merits of the potentially dispositive motion to
18 evaluate the likelihood of dismissal. *Wilmington Sav. Fund Soc'y FSB*, 2019
19 WL 6310718, at *1 (citing *Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581
20 (D. Nev. 2013)).

21 Here, the parties stipulate and agree that Plaintiffs' Motion to Remand,
22 Defendants' Motions to Dismiss Plaintiffs' Amended Complaint, and Defendant
23 Breckenridge's Joinder are potentially dispositive and may be decided without

1 additional discovery. As such, the parties stipulate and agree that discovery
2 shall be stayed pending resolution of these motions, that the Rule 26(f)
3 conference shall be held within ten (10) days of this Court's ruling on these
4 motions, and that the parties shall submit their Rule 26(f)(3) discovery plan
5 within ten (10) days of the Rule 26(f) conference.

6 This request is made in good faith and not for the purpose of delay.

7 DATED this 7th day of February 2023. DATED this 7th day of February 2023.
8 CLAGGETT & SYKES LAW FIRM LEWIS BRISBOIS BISGAARD &
9 SMITH, LLP
10 */s/ Brian Blankenship* */s/ Marc S. Cwik*
11 Brian Blankenship, Esq. Marc S. Cwik, Esq.
Nevada Bar No. 11555 Nevada Bar No. 6946
12 *Attorneys for Plaintiffs* *Attorneys for Defendants Dorn, Inc., et al.*
13 DATED this 7th day of February 2023. DATED this 7th day of February 2023.
14 WEINBERG, WHEELER, HUDGINS, WILSON, ELSER, MOSKOWITZ,
GUNN & DIAL, LLC EDELMAN & DICKER, LLP
15
16 */s/Howard J. Russell* */s/Christopher D. Phipps*
17 Howard J. Russell, Esq. Christopher D. Phipps, Esq.
Nevada Bar No. 8879 Nevada Bar No. 3788
18 *Attorneys for Defendants United States* *Attorneys for Defendant Breckenridge*
Liability Insurance Company *Insurance Services LLC*
19
20 **ORDER**
21 IT IS SO ORDERED.
22
23
24


UNITED STATES DISTRICT COURT JUDGE

DATED: February 14, 2023